Public Law 97-363
97th Congress

An Act

Oct. 25, 1982
[H.R. 5879]

To amend chapter 2 of title IV of the Immigration and Nationality Act to extend for one year the authorization of appropriations for refugee assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Refugee Assistance Amendments of 1982.

SHORT TITLE

8 USC 1101 note.

SECTION 1. This Act may be cited as the "Refugee Assistance Amendments of 1982".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Subsection (a) of section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) is amended to read as follows:

"(a)(1) There are hereby authorized to be appropriated for fiscal year 1983 such sums as may be necessary for the purpose of carrying out the provisions (other than those described in paragraphs (2) and (3)) of this chapter.

"(2) There are hereby authorized to be appropriated for fiscal year 1983 $100,000,000 for the purpose of providing services with respect to refugees under section 412(c).

8 USC 1522.

"(3) There are hereby authorized to be appropriated for fiscal year 1983 $14,000,000 for the purpose of carrying out section 412(b)(5).".

CONGRESSIONAL INTENT RESPECTING REFUGEE ASSISTANCE

SEC. 3. (a) Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C 1522(a)(1)) is amended—

(1) by redesignating clauses (A) through (D) as clauses (i) through (iv), respectively,

(2) by inserting "(A)" after "(1)", and

(3) by adding at the end the following new subparagraph:

"(B) It is the intent of Congress that in providing refugee assistance under this section—

"(i) employable refugees should be placed on jobs as soon as possible after their arrival in the United States;

"(ii) social service funds should be focused on employment-related services, English-as-a-second-language training (in non-work hours where possible), and case-management services; and

"(iii) local voluntary agency activities should be conducted in close cooperation and advance consultation with State and local governments.".

(b) Section 413 of such Act (8 U.S.C. 1523) is amended by adding at the end the following new subsection:

Study.

"(c)(1) The Director shall study the feasibility and advisability of providing—

"(A) for interim support (to refugees who are not employment-ready upon arrival in the United States) for a period determined on a case-by-case basis through a mechanism (other than public assistance) that recognizes the primary role of case management through voluntary agencies at the local level, and

"(B) a mechanism (other than one associated with the provision of cash assistance) through which refugees, requiring medical (but not cash) assistance, are provided medical assistance, and shall report to Congress on the study not later than January 1, 1983.

Report to Congress.

"(2) The Director shall study and report to the Congress, not later than September 30, 1983, on the feasibility and advisability of providing for the establishment of special refugee centers in various locations at which refugees would receive orientation, training, and education in English and in the legal governmental, monetary and economic systems, history, culture, and geography of the United States before resettlement in the United States.".

Study and report to Congress.

PROGRAM ADMINISTRATION

SEC. 4. (a) Paragraph (2) of section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a)) is amended—

(1) by inserting "(A)" after "(2)", and

(2) by adding at the end the following new subparagraphs:

"(B) The Director shall develop and implement, in consultation with representatives of voluntary agencies and State and local governments, policies and strategies for the placement and resettlement of refugees within the United States.

"(C) Such policies and strategies, to the extent practicable and except under such unusual circumstances as the Director may recognize, shall—

"(i) insure that a refugee is not initially placed or resettled in an area highly impacted (as determined under regulations prescribed by the Director after consultation with such agencies and governments) by the presence of refugees or comparable populations unless the refugee has a spouse, parent, sibling, son, or daughter residing in that area, and

"(ii) provide for a mechanism whereby representatives of local affiliates of voluntary agencies regularly (not less often than quarterly) meet with representatives of State and local governments to plan and coordinate in advance of their arrival the appropriate placement of refugees among the various States and localities.".

(b) Paragraph (3) of such section is amended by inserting after the first sentence the following new sentence: "The Director shall compile and maintain data on secondary migration of refugees within the United States and, by State of residence and nationality, on the proportion of refugees receiving cash or medical assistance described in subsection (e).".

INITIAL RESETTLEMENT PROGRAM

SEC. 5. Section 412(b) of the Immigration and Nationality Act (8 U.S.C. 1522(b)) is amended—

(1) by striking out the last sentence of paragraph (1)(A);

(2) by adding at the end of paragraph (1)(A) the following new sentences: "Funds provided to agencies under such grants and

Grants and contracts.

contracts may only be obligated or expended during the fiscal year in which they are provided (or the subsequent fiscal year or such subsequent fiscal period as the Federal contracting agency may approve) to carry out the purposes of this subsection. Such grants and contracts shall provide that the agency shall provide (directly or through its local affiliate) notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and provide notice to the refugee that such notice has been provided. Such grants and contracts shall also provide that the agency shall assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.";

(3) by adding at the end the following new paragraph:

"(5) The Director is authorized to make grants to, and enter into contracts with, State and local health agencies for payments to meet their costs of providing medical screening and initial medical treatment to refugees."; and

Annual audits.

(4) by adding after such paragraph the following new paragraph:

"(6) The Comptroller General shall conduct an annual audit of funds expended under grants and contracts made under this subsection.".

CASH AND MEDICAL ASSISTANCE

SEC. 6. (a) Paragraph (1) of section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) is amended by striking out "up to" before "100 per centum".

(b) Paragraph (2) of such section is amended—

(1) by striking out the semicolon at the end of subparagraph (B) and all that follows through the end of such paragraph and inserting in lieu thereof a period;

(2) by striking out "and" at the end of subparagraph (A);

(3) by redesignating subparagraphs (A) and (B) as clauses (i) and (iii), respectively, by inserting "(A)" after "(2)", and by inserting after clause (i) (as so redesignated) the following new clause:

"(ii) on the refugee's participation in any available and appropriate social service program (funded under subsection (c)) providing job or language training in the area in which the refugee resides; and"; and

(4) by adding at the end the following:

Hearing.

"Such cash assistance provided to such a refugee shall be terminated (after opportunity for an administrative hearing) with the month in which the refugee refuses such an appropriate offer of employment or refuses to participate in such an available and appropriate social service program.

"(B) Cash assistance shall not be made available to refugees who are full-time students in institutions of higher education (as defined by the Director after consultation with the Secretary of Education).".

(c) Such section is further amended by adding at the end the following new paragraph:

"(6) As a condition for receiving assistance, reimbursement, or a contract under this subsection and notwithstanding any other provi-

sion of law, a State or agency must provide assurances that whenever a refugee applies for cash or medical assistance for which assistance or reimbursement is provided under this subsection, the State or agency must notify promptly the agency (or local affiliate) which provided for the initial resettlement of the refugee under subsection (b) of the fact that the refugee has so applied.".

STUDY OF NEED FOR REFUGEE IMPACT AID PROGRAM

SEC. 7. Section 413 of the Immigration and Nationality Act (8 U.S.C. 1522), as amended by section 3(b) of this Act, is further amended by adding after subsection (c) the following new subsection:

Ante, p. 1734
8 USC 1523.

"(d) The Director shall study, and report to Congress not later than January 1, 1983, on the feasibility and advisability of establishing a program providing payments to States, counties, cities, and other units of local government to reflect a net increase in outlays on educational, health, criminal justice, and other governmental services resulting directly from the initial resettlement of refugees in, or secondary migration of refugees to, that State, county, city, or other unit. Such study shall include an examination of the extent to which the programs and assistance described in section 412 (particularly under subsection (c) thereof) provide for such payments to impacted areas and the extent to which increased outlays in these impacted areas are offset by the provision of additional Federal funds under other programs or authority or by increased taxes, revenues, or other economic activity resulting from refugee resettlement in, or migration, to these areas.".

Study and report to Congress.

8 USC 1522.

EFFECTIVE DATE

8 USC 1522 note.

SEC. 8. The amendments made by—

(1) sections 3(b), 4, 5(3), 5(4), 6(a), and 7 take effect on October 1, 1982, and

(2) sections 5(2), 6(b), and 6(c) apply to grants and contracts made, and assistance furnished, on or after October 1, 1982.

Approved October 25, 1982.

LEGISLATIVE HISTORY—H.R. 5879:

HOUSE REPORT No. 97-541 (Comm. on the Judiciary).
SENATE REPORT No. 97-638 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 21, 22, considered and passed House.
Oct. 1, considered and passed Senate.